

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claim 1-23 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

Applicants submit that entry of the present Amendment is appropriate since it is being accompanied by a Request for Continued Examination. Accordingly, Applicants submit that the Amendment should be given full consideration.

Rejection under 35 USC 102

Claims 1, 7, 8, 14 and 15 stand rejected under 35 USC 102 as being anticipated by Horiuchi et al. (US Patent 5,969,445). This rejection is respectfully traversed.

The Examiner states the Horiuchi et al. shows a container 56, a chassis 46 with the container being directly mounted on the chassis of the heat dissipating device and having a slot for receiving and positioning the motor controller. Applicants disagree that the Horiuchi et al. reference shows the presently claimed invention defined by claim 1. Claim 1 has now been amended to make it even more clear that the slot is used to position the motor controller. Applicants have added the worded "directly" before position to emphasis this fact. In the Horiuchi et al. reference there is no actual slot, but there is an opening between element 56B and spring 58. It is the pressure of the spring which holds the FET 55 in position. Thus, Applicants submit that there is no actual slot and further that the opening in Horiuchi et al. does not directly position the motor controller, but this is accomplished by the use of a spring. Thus, since the reference does not show a slot which directly positions the motor controller, Applicants submit that claim 1 defines thereover.

Claim 8 has similarly been amended to refer to the slot directly positioning the motor controller and is allowable for the same reasons stated above in regard to claim 1. In addition, claim 8 also now points out that the motor controller is not mounted on a circuit board. This in

opposition to Horiuchi et al. which utilizes a circuit board 19. Accordingly, Applicants submit that claim 8 is further allowable over this reference.

Claims 2-7 depend from claim 1 and claims 8-16 depend from claim 8. These claims are considered to be allowable based on their dependency from allowable claims 1 and 8. In addition, each of these claims recite other features that make them additionally allowable. It is noted that the Examiner has not rejected claims 2-6, 9-13 and 16 over this reference.

Rejection under 35 USC 103

Claims 2-6 and 9-13 stand rejected under 35 USC 103 as being obvious over Horiuchi et al in view of Doeman et al. (US Patent 4,482,849). This rejection is respectfully traversed.

The Examiner relies on the Doeman et al. reference to show a container which is square, slot formed in the central position, pillars 56 and hooks 179 and 180. The Examiner feels that it would have been obvious to include the various features of Doemen et al. in conjunction with Horiuchi et al. reference.

First, Applicants submit that these dependent claims are allowable based on their dependency from allowable claims 1 and 8. Furthermore, Applicants disagree with the Examiner's understanding of the Doemen et al. reference and its various parts. The Examiner again states that bolts 179 and 180 are hooks and refers to the protrusions above 180 and below 179. As Applicants mentioned in the previous response, while these semi-circles are seen in Figure 9, it is not clear if these relate to some type of protrusion from the bolts or are merely other parts which lie most behind the bolts and are slightly visible. When viewing Figure 8, it appears that bolts 180 are represented strictly by circles and that no protrusions appear. Accordingly, they cannot be considered hooks. Further, the Examiner has referred to pillars 56 in Figure 6 of the reference. However, claims 5 and 12 describe the container as being formed by these pillars. That is, the Pillars must receive the motor controller. This is not seen in Figure 6 of Doemen et al. Instead, enlargements 56 are merely part of base plate 55 of mold 54. These enlargements do not act as a container for the Hall-IC 30. Accordingly, Applicants submit that the Examiner is incorrect in referring to these as pillars.

Furthermore, Applicants submit that it would not be obvious to add the teachings of Doemen et al. to Horiuchi et al. The Examiner only states the motivation as being from the same field of endeavor. Applicants submit that this not a proper motivation for one skilled in the art to refer to the Doemen et al. device when viewing the Horiuchi et al. device. Accordingly, Applicants submit that it would not obvious to make this combination of references.

Claim 16 stands rejected under 35 USC 103 as being obvious over Horiuchi et al. in view of Doemen et al. and further in view of Horng et al. This rejection is respectfully traversed.

The Examiner cites Horng et al. to show that the motor controller is an integrated circuit. Applicants submit that even if this reference does teach this feature, Applicants submit that claim 16 is allowable based on its dependency its dependency from allowable claims 8 and 9.

Claims 17, 22 and 23 stand rejected under 35 USC 103 as being obvious over Horng (US Patent 6,462,443) in view of Takashi (US Patent JP 63-039448). This rejection is respectfully traversed.

The Examiner states that Horng shows a chassis 4, stator 11 and 12 disposed on the chassis, rotor 5 and motor controller 3 mounted on the stator. The Examiner admits that Horng does not show a container mounted on and protruding from the stator and having a slot to receive the motor controller. The Examiner relies on Takashi to show a container 16 with a slot to receive the sensor. The Examiner feels that it would have been obvious for one of ordinary skill in the art to include a container for mounting the controller as taught by Takashi.

Applicants submit that claim 17 is not obvious over the teachings of these two references. Applicants have now amended claim 17 to describe the motor controller as being without a circuit board. Since Horng discloses a circuit board 2, this does not meet the terms of the claim. Likewise, Takashi also discloses a circuit board. Accordingly, Applicants submit that the combination of the two references does not render the terms of claim 17 obvious. Accordingly, Applicants submit that claim 17 as well as dependent claims 18-23 are allowable.

Claims 18-21 stand rejected under 35 USC 103 as being over Horng in view of Takashi and further in view of Doemen et al. The Examiner admits that the combination of Horng and Takashi does not recite a container mounted on the cover and the container being formed with two pillars. The Examiner states that Doemen et al. shows a cover 28 with a container 54. Applicants submit that element 28 is not a cover, but rather a circuit board as mention in column 2 lines 29 and 30. Since claims 17 indicates that there is no circuit board, applicants submit that this feature is taught against by Doemen et al. Further, regarding the pillars 56, it is noted above the container is formed by the pillars and the claims for holding the motor controller. This is not the case in the pillars of the reference which are not part of the container. Accordingly, Applicants submit that the Doemen et al. reference does not aide Horng and Takashi in teaching the limitations of the present claims.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patent relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all of the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

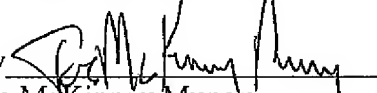
Application No. 10/772,322
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: January 19, 2007

Respectfully submitted,

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